

House File 629 - Introduced

HOUSE FILE _____
BY WORTHAN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the use of the results of a preliminary
2 screening test to determine alcohol consumption.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1999HH 82
5 rh/es/88

PAG LIN

1 1 Section 1. Section 321J.5, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. The results of this preliminary screening test may be
1 4 used for the purpose of deciding whether an arrest should be
1 5 made or whether to request a chemical test authorized in this
1 6 chapter, but shall not be used in any ~~court action proceeding~~
1 7 ~~under this chapter~~ except to prove that a chemical test was
1 8 properly requested of a person pursuant to this chapter. This
1 9 section shall not prohibit or limit the use of the results of
1 10 a preliminary screening test in any proceeding conducted
1 11 pursuant to section 123.46, 123.47, or 123.49.

1 12 EXPLANATION
1 13 This bill relates to the use of the results of a
1 14 preliminary screening test to determine alcohol consumption.
1 15 The bill provides that the results of a preliminary
1 16 screening test may be used for the purpose of deciding whether
1 17 an arrest should be made or whether to request a chemical test
1 18 in operating=while=intoxicated (OWI) cases (Code chapter
1 19 321J), but shall not be used as evidence in a prosecution
1 20 under Code chapter 321J except to prove that a chemical test
1 21 was properly requested of a person. The bill does not
1 22 prohibit or limit the use of the results of a preliminary
1 23 screening test in any proceeding involving public alcohol
1 24 consumption or intoxication, underage possession of alcohol,
1 25 the illegal sale or dispensation of alcohol to an intoxicated
1 26 person, certain actions by a person or club holding a liquor
1 27 control license or retail wine or beer permit, and an underage
1 28 person who misrepresents the person's age.
1 29 LSB 1999HH 82
1 30 rh:nh/es/88